

Official

PATENT

Docket H 1920 PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of LENTING, et al.

FAX RECEIVED

Serial No. 08/945,574

Examiner: K. Fries

Filed: April 26, 1996

Art Unit: 1751

Title: DETERGENTS COMPRISING CELLULASES

DEC 27 1999

GROUP 1700**CERTIFICATE OF FACSIMILE TRANSMISSION PER 37 C.F.R. § 1.8**

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December 27, 1999

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Glenn E. J. Murphy

Typed or printed name of certifier

AMENDMENTAssistant Commissioner of Patents
Washington, DC 20231

Sir:

In response to the Office Action dated June 25, 1999,
applicants offer the following remarks.**REMARKS**

The Examiner has indicated that the priority of the present invention with respect to the claims of U.S. Patent No. 5,856,165 assigned to Genencor International must be resolved. The Examiner also has indicated that applicants must indicate which inventive entity is the prior inventor of "conflicting" subject matter (claims 14, 17, 20-28, and 30) between the present application and the Genencor '165 patent. Because both the present application and the Genencor '165 patent arose from a joint research effort between Genencor and Henkel, applicants cannot state which inventive entity was the first inventor; indeed, it would appear that the respective inventions were made at the same time.

As for the rejection of claims 15-16, 18-19, 29, and 31-34 under 35 U.S.C. § 103(a), this would appear improper in that the claims are being rejected over applicants' own priority document. Again, applicants are unable to identify which inventive entity invented first, as the pending claims and the claims of the Genencor patent arose out of a cooperative effort between the assignees. This, of course, raises issues of inventorship in one